

ASSEMBLY BILL

No. 781

Introduced by Assembly Member John Campbell

February 22, 2001

An act to amend Section 1954.52 of the Civil Code, relating to rental rates.

LEGISLATIVE COUNSEL'S DIGEST

AB 781, as introduced, John Campbell. Rental rates.

Existing law authorizes an owner of residential real property to establish the initial and all subsequent rental rates for a dwelling or a unit that has already been exempt from the residential rent control ordinance of a public entity on or before February 1, 1995, pursuant to a local exemption for newly constructed units.

This bill would make a conforming change in that provision and make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1954.52 of the Civil Code is amended
2 to read:

3 1954.52. (a) Notwithstanding any other provision of law, an
4 owner of residential real property may establish the initial and all
5 subsequent rental rates for a dwelling or a unit about which any of
6 the following is true:

7 (1) It has a certificate of occupancy issued after February 1,
8 1995.

1 (2) It has already been exempt from the residential rent control
2 ordinance of a public entity on or before February 1, 1995,
3 pursuant to a local exemption for newly constructed *dwelling or*
4 *units*.

5 (3) It is alienable separate from the title to any other dwelling
6 unit or is a subdivided interest in a subdivision as specified in
7 subdivision (b), (d), or (f) of Section 11004.5 of the Business and
8 Professions Code. This paragraph shall not apply to a dwelling or
9 unit where the preceding tenancy has been terminated by the
10 owner by notice pursuant to Section 1946 or has been terminated
11 upon a change in the terms of the tenancy noticed pursuant to
12 Section 827.

13 Where a dwelling or unit whose initial or subsequent rental rates
14 are controlled by an ordinance or charter provision in effect on
15 January 1, 1995, the following shall apply:

16 (A) An owner of real property as described in this paragraph
17 may establish the initial and all subsequent rental rates for all
18 existing and new tenancies in effect on or after January 1, 1999,
19 if the tenancy in effect on or after January 1, 1999, was created
20 between January 1, 1996, and December 31, 1998.

21 (B) Commencing on January 1, 1999, an owner of real property
22 as described in this paragraph may establish the initial and all
23 subsequent rental rates for all new tenancies if the previous
24 tenancy was in effect on December 31, 1995.

25 (C) The initial rental rate for a dwelling or unit as described in
26 this paragraph whose initial rental rate is controlled by an
27 ordinance or charter provision in effect on January 1, 1995 shall
28 not, until January 1, 1999, exceed the amount calculated pursuant
29 to subdivision (c) of Section 1954.53. An owner of residential real
30 property as described in this paragraph may until January 1, 1999,
31 establish the initial rental rate for a dwelling or unit only where the
32 tenant has voluntarily vacated, abandoned, or been evicted
33 pursuant to paragraph (2) of Section 1161 of the Code of Civil
34 Procedure.

35 (b) Subdivision (a) shall not apply where the owner has
36 otherwise agreed by contract with a public entity in consideration
37 for a direct financial contribution or any other forms of assistance
38 specified in Chapter 4.3 (commencing with Section 65915) of
39 Division 1 of Title 7 of the Government Code.



1 (c) Nothing in this section shall be construed to affect any
2 authority of a public entity that may otherwise exist to regulate or
3 monitor the basis for eviction.

4 (d) This section shall not apply to any dwelling or unit ~~which~~
5 *that* contains serious health, safety, fire, or building code
6 violations, excluding those caused by disasters, for which a
7 citation has been issued by the appropriate governmental agency
8 and ~~which has~~ *that have* remained unabated for six months or
9 longer preceding the vacancy.

